

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

CUSTOM TRUCK ONE SOURCE, INC.,
formerly known as Nesco Holding, Inc., as
successor to Truck Utilities, Inc.

Plaintiff,

v.

No. CV 21-545 DHU/CG

BIGHORN CONSTRUCTION AND
RECLAMATION, LLC, also known as
BCR Companies,

Defendant.

ORDER SETTING ZOOM SETTLEMENT CONFERENCE

To facilitate a final disposition of this case, a mandatory settlement conference will be conducted in accordance with Federal Rule of Civil Procedure 16(a)(5). Pursuant to the parties' request, the Court will hold the upcoming settlement conference via Zoom.

The conference will be held on **May 19, 2022, at 9:00 a.m.** A telephonic status conference will be held on **May 10, 2022, at 10:00 a.m.**, to discuss the parties' positions, as set forth in the Court's *Order Setting Telephonic Pre-Settlement Status Conference*, (Doc. 29).

IT IS HEREBY ORDERED that the parties and a designated representative, other than counsel of record, with full authority to resolve the case, must attend via Zoom; counsel who will try the case must also attend via Zoom. All attorneys and parties involved in the settlement conference must treat as confidential the information discussed, positions taken, and offers made by other participants in preparation for and

during the conference.¹ Each individually named Defendant is not required to attend the settlement conference. However, Defendant must have an individual with full authority to resolve the case present during the settlement conference.

IT IS FURTHER ORDERED that:

1. By **April 19, 2022**, Plaintiff's counsel shall serve on Defendant's counsel a concise letter that sets forth a settlement demand itemizing the principal supporting damages or other relief that Plaintiff assert would appropriately be granted at trial.
2. By **April 26, 2022**, Defendant's counsel shall serve on Plaintiff's counsel a concise letter that sets forth a response to the settlement demand.
3. By **May 3, 2022**, each party shall provide to the Court:
 - a. A copy of each letter that was sent to an opposing party;
 - b. A confidential, concise letter containing an analysis of the strengths and weaknesses of its case; and
 - c. Any video or audio recordings of the incident upon which this action is based.
 - d. **This letter should also contain the email addresses and phone numbers for all participants in the settlement conference. This contact information will be used to send the invitation to attend the settlement conference via Zoom.**

These materials may be submitted to the Court by email:
garzaschambers@nmd.uscourts.gov

4. Each of these letters typically should be five (5) pages or fewer, and counsel will ensure that each party reads the opposing party's letter before the settlement conference.
5. Before **May 10, 2022**, counsel shall confer with one another about their clients' respective positions.
6. On **May 10, 2022, at 10:00 a.m.**, counsel shall call Judge Garza's AT&T line at (877) 810-9415, follow the prompts, and enter access code 7467959, for a

¹ This does not prohibit disclosures stipulated to by the parties, necessary in proceedings to determine the existence of a binding settlement agreement, or as otherwise required by law.

pre-settlement telephonic status conference

A party must show good cause to vacate or reschedule the settlement conference. Any such request must provide the Court with sufficient notice to ensure that other matters may be scheduled in the time allotted for the settlement conference.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'Carmen E. Garza', is written over a horizontal line.

THE HONORABLE CARMEN E. GARZA
CHIEF UNITED STATES MAGISTRATE JUDGE